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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,710	11/15/2005	Naohiko Shiga	4265-0059WOUS	7450

35301 7590 06/05/2007  
MCCORMICK, PAULDING & HUBER LLP  
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EXAMINER
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PIPALA, EDWARD J

ART UNIT	PAPER NUMBER
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3663

MAIL DATE	DELIVERY MODE
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06/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/526,710		SHIGA, NAOHIKO	
	<b>Examiner</b>		<b>Art Unit</b>	
	Edward Pipala		3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/15/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/3/05</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office action is in response to Applicant's application and preliminary amendment with a filing date of 11/15/05.

Claims 1-8 are pending.

#### ***Information Disclosure Statement***

2. Applicant's IDS filed 3/3/05 has been considered by the Examiner as indicated by the accompanying initialed copy of Applicant's IDS form PTO-1449.

#### ***Specification***

3. The disclosure is objected to because of the following informalities.

Beginning on page 7, section 0028, Applicant uses the terminology "hole" IC's with respect to element 24 of figures 4 and 5, where in fact these are conventionally known as "Hall" effect sensors/devices. It would seem that this was just a matter of translation, however, Applicant is required to correct the entire specification with respect to elements 24 and 38 (which is also referred to as a "hole" IC in at least sections 0034 and 0036, 0038, 0040, etc.) Appropriate correction of the specification is required.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claim 1, line 10, there is no antecedent basis for "the stop time detecting unit", particularly since by amendment Applicant had changed "stop time detecting unit" to "stop state detecting unit" in line 6 of this claim in the preliminary amendment of 11/15/05.

Claims 2-8 are included in this rejection because they depend on an indefinite base claim, and are therefor also considered to be indefinite.

The terminology "slightly support" in line 4 of claim 5 is a relative term which renders the claim indefinite. The term "slightly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawanobe et al. (P.N. 6,037,727).

With respect to independent claim 1, Applicant's attention is directed to figure 14 of Kawanobe et al., which shows the operation of a manual/auto exchange control

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process which takes place when it is determined that the door speed is less than a predetermined rapid speed (step S65), and that a manual recognition speed is less than or equal to a door speed for a fixed time period (steps S66 and S67, and which would also include a stopped condition), where steps S76, S77 and S78 further teach detecting whether the vehicle is on level ground, on an upward slope or on a downward slope, respectively. Steps S68 and S69 teach a low driving force mode by virtue of a half-clutch engagement cognition, where steps S70 and S71 determine if the door speed is greater than a specified (half-clutch) speed within or after a fixed time period has passed (step S71), after which the door open/close motor is operated or stopped (depending on the detected slope condition from steps S76-S78).

With respect to claim 2, and operating the automatic open-close device in the other direction of either the opening direction or the closing direction, if the move speed is not of a specified speed or higher within a specified period of time, please see figure 13 which describes reversing the drive motor direction in a "pinch" situation (in which the door speed would not be of a specified speed or higher for a period of time), and reversing the direction of operation of the drive motor.

With respect to claim 3, in which it is recited that the driving unit is stopped if a specified speed or higher can not be reached within a specified time period, please see col. 9, lines 31-54 which disclose conditions under which Kawanobe et al. determine that a pinch condition is occurring since a door speed is considerably reduced, in which case the clutch is released and the driving unit is accordingly stopped.

With respect to claim 4, in which it is recited that in a detected level mode the driving force is set to a level insufficient to move the open close component, please see col. 9, ll. 14-30 which disclose electromagnet clutch control for the conditions wherein the vehicle is on either level ground or an upward slope.

With respect to claim 5, which recites that when a vehicle is determined to be on an inclined slope that the driving force is set low enough to slightly support movement toward the downward side of the inclination, please see lines 20-30 of col. 9 which disclose supporting the weight of the door when found to be parked on a downward slope.

With respect to remaining claims 6-8, which depend from claims 1, 2 and 3 respectively, and similarly recite disconnecting the clutch of the driving unit when in both the fully closed or fully open positions as well as disconnecting the clutch when a specified speed has not been reached in a specified time period, please again see col. 9, ll. 31-54 with respect to disengaging the clutch in a pinch condition when it is determined that something is restricting its movement.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Pipala whose telephone number is 571-272-1360. The examiner can normally be reached on M-S 9:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edward Pipala  
Examiner  
Art Unit 3663



EJP